

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-10
AGENDA DATE: Thu 11/17/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0165 - Condos at 3rd and Neches - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 300 Nueces Street (Shoal Creek Watershed) from central business district (CBD) district zoning to central business district-central urban development (CBD-CURE) combining district zoning with conditions Zoning and Platting Commission recommendation To grant central business district-central urban development (CBD-CURE) combining district zoning with conditions Applicant NOVARE - AU Nueces, L P (John W Long) Agent Doucet & Associates (Ted McConaughy) City Staff Jorge E Rousselin, 974-2975

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING REVIEW SHEET**CASE:** C14-05-0165**Z.A.P. DATE:** October 18, 2005**ADDRESS:** 300 Nueces Street**OWNER:** NOVARE – AU Nueces, L P.
(John W. Long)**AGENT:** Doucet & Associates
(Ted McConaughy)**REZONING FROM:** CBD (Central Business District)**TO:** CBD-CURE (Central Business District - Central Urban Redevelopment Combining District)**AREA:** 1.28 Acres**SUMMARY OF ZAP RECOMMENDATION:**

October 18, 2005

APPROVED CBD-CURE-CO ZONING, CONDITIONS OF.

- 4127 VEHICLE TRIP LIMIT,
- HEIGHT NOT EXCEED THE SPECIFICATIONS OF THE CAPITOL VIEW CORRIDOR;
- MAXIMUM OF 421 UNITS, 11,060 SQUARE FEET OF RETAIL, 3,558 SQUARE FEET OF RESTAURANT,
- MODIFICATIONS TO THE SETBACK REQUIREMENTS,
- F.A.R 10 TO 1

[K J, J M 2ND] (7-1-1) J P – NAY, M H – ABSTAINED**SUMMARY STAFF RECOMMENDATION:**

Staff recommends CBD-CURE-CO (Central Business District - Central Urban Redevelopment Conditional Overlay) combining district to allow for a modification to the FAR to 10.1 and a modification to the maximum setback requirement. The conditional overlay will limit the vehicle trips for this site to 3,500 vehicle trips per day and recommend the maximum height not exceed specifications of the Capitol View Corridor Determination under C17-05-0010 (Please see Attachment B)

DEPARTMENT COMMENTS:

The subject rezoning area is a 1.28 acre site fronting 3rd Street and Nueces Street zoned CBD. The applicant proposes to rezone the property to CBD-CURE district to allow for a 430' tall condominium structure with a floor area ratio (FAR) of 10.1 to include 395 units, 7,244 square feet of retail, and 4,254 square feet of restaurant. The modification to the base zoning district sought is the FAR limitation and a modification to the maximum setback requirement to the front and side setback of 10' under the provisions of 25-2-594 (Please see Attachment A). The Capitol View Corridor (CVC) bisects this property (Please see Attachment B). Any

proposed development will be subject to the provisions of 25-2-642. Administrative site plan review is pending on this site under case SP-05-1468C for consolidated administrative approval. Furthermore, an historic Moonlight Tower is located at the southwest intersection of Nueces Street and West 4th Street. A relocation permit for the Moonlight Tower is pending approval from the Historic Landmark Commission on October 24, 2005 under case C14H-74-0028.

- **CBD Development Standards:**

CBD	
Maximum Height:	-
Maximum Building Coverage	100%
Maximum Impervious Cover.	100%
Maximum Floor Area Ratio	8:1

Source: The Code of the City of Austin, Volume III, Chapter 25-2-492

Staff recommends CBD-CURE-CO (Central Business District - Central Urban Redevelopment Conditional Overlay) combining district based on the following considerations:

- 1.) The proposed use is compatible with existing CBD and commercial development along Nueces Street, West 4th Street, West 3rd Street, and Rio Grande Street and within the designated Core Downtown District as identified by the Downtown Austin Design Guidelines,
- 2.) The proposed development lies within the downtown CURE district,
- 3.) The proposed development will not be subject to compatibility standards,
- 4.) Great Streets Program participation is recommended,
- 5.) The Downtown Austin Design Guidelines recommend providing multi-tenant, pedestrian-oriented development at street level,

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CBD	Undeveloped land
<i>North</i>	CBD	Equipment warehouse
<i>South</i>	CBD	Austin Music Hall
<i>East</i>	CBD	Parking garage
<i>West</i>	P	City of Austin Electric Department Building

AREA STUDY: Downtown Austin Design Guidelines

TIA: Waived, See
Transportation comments

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: Yes

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

57--Old Austin Neighborhood
 402--Downtown Austin Neighborhood Assn (DANA)
 511--Austin Neighborhoods Council
 623--City of Austin Downtown Commission
 742--Austin Independent School District
 744--Sentral Plus East Austin Koalition (SPEAK)
 998--West End Austin Alliance

SCHOOLS:

Austin Independent School District

- Mathews Elementary School
- O Henry Middle School
- Austin High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
SP-05-1468C	Administrative Consolidated Approval for a 430' condominium structure	N/A	N/A
SP-99-0017C	Parking Structure – Museum Park Center South Garage	01/09/01: PC APVD STAFF REC W/COND OF HRS FOR TRASH P/UP FROM 9 00AM-4 00PM (8-0)	N/A

CASE HISTORIES:

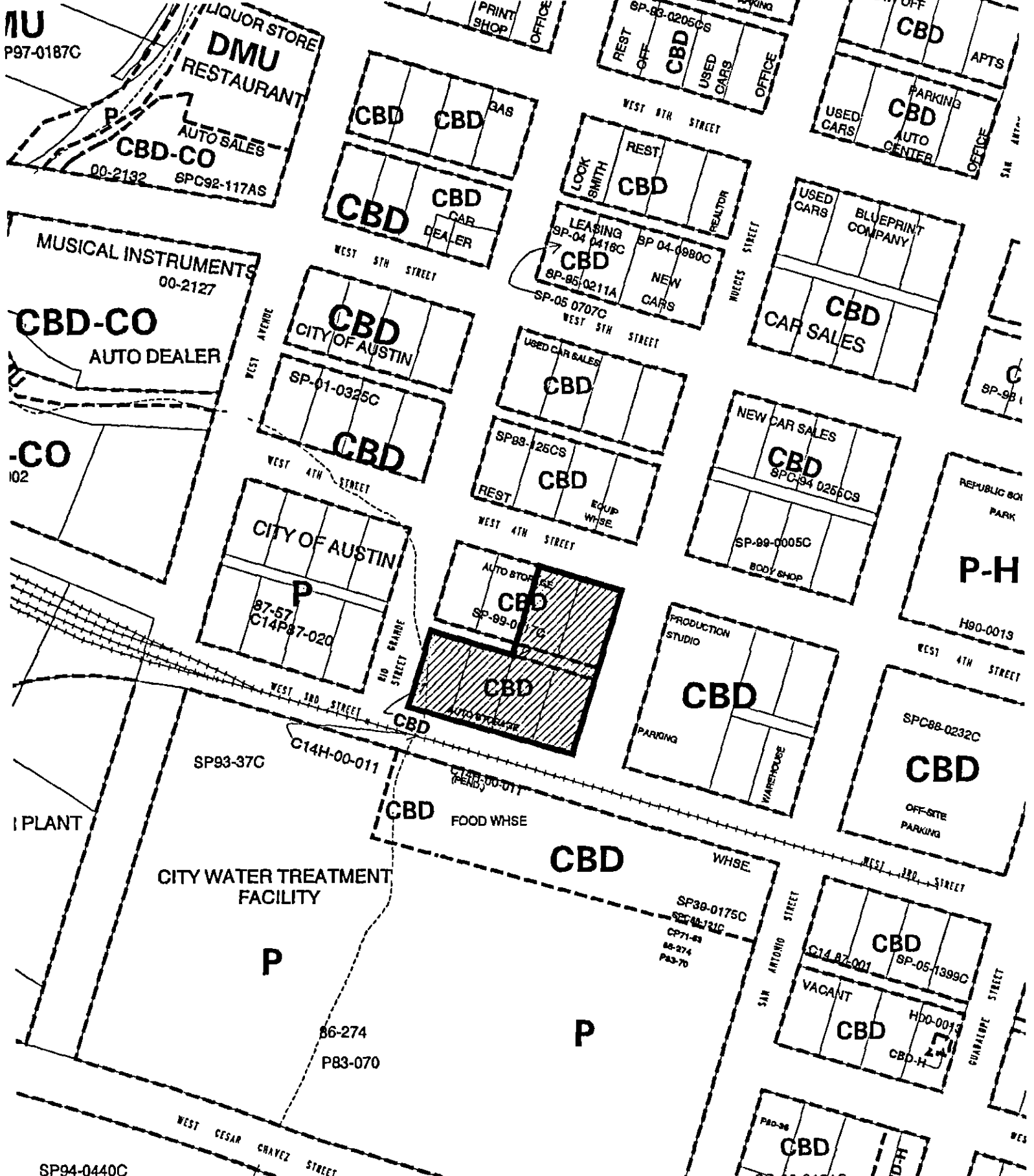
NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14H-90-0013	P to P-H (Republic Square)	11/06/90 PC approved P-H zoning (5-0)	11/29/90 Approval of P-H zoning (6-0)
C14H-00-0011	P to P-H (Union Pacific RR Bridge)	11/27/00 HLC approved historic zoning (8-0)	Pending
C14-00-2127	DMU to CBD	08/22/00 PC APVD STAFF REC W/COND OWNER RECONNECT HIKE/BIKE TRAIL & W/TRIP LIMIT OF 2000 TPD (8-0), SA-ABSENT	09/28/00 APVD CBD-CO W/CONDS (7-0) ALL 3 RDGS CO <ul style="list-style-type: none"> - 2,000 vehicle trip limitation - Waiver of 2-2-3, 2-2-5, and 2-2-7





C14-05-2132	DMU to CBD (5 th Street Residential)	08/22/00 PC APVD STAFF REC W/COND OWNER RECONNECT HIKE/BIKE TRAIL (8-0), SA-ABSENT)	09/28/00 APVD CBD-CO W/CONDS (7-0) ALL 3 RDGS Conditions <ul style="list-style-type: none"> - 170' height limitation; - Max F A R. of 5 1, and - Waiver of 2-2-3, 2-2-5, and 2-2-7
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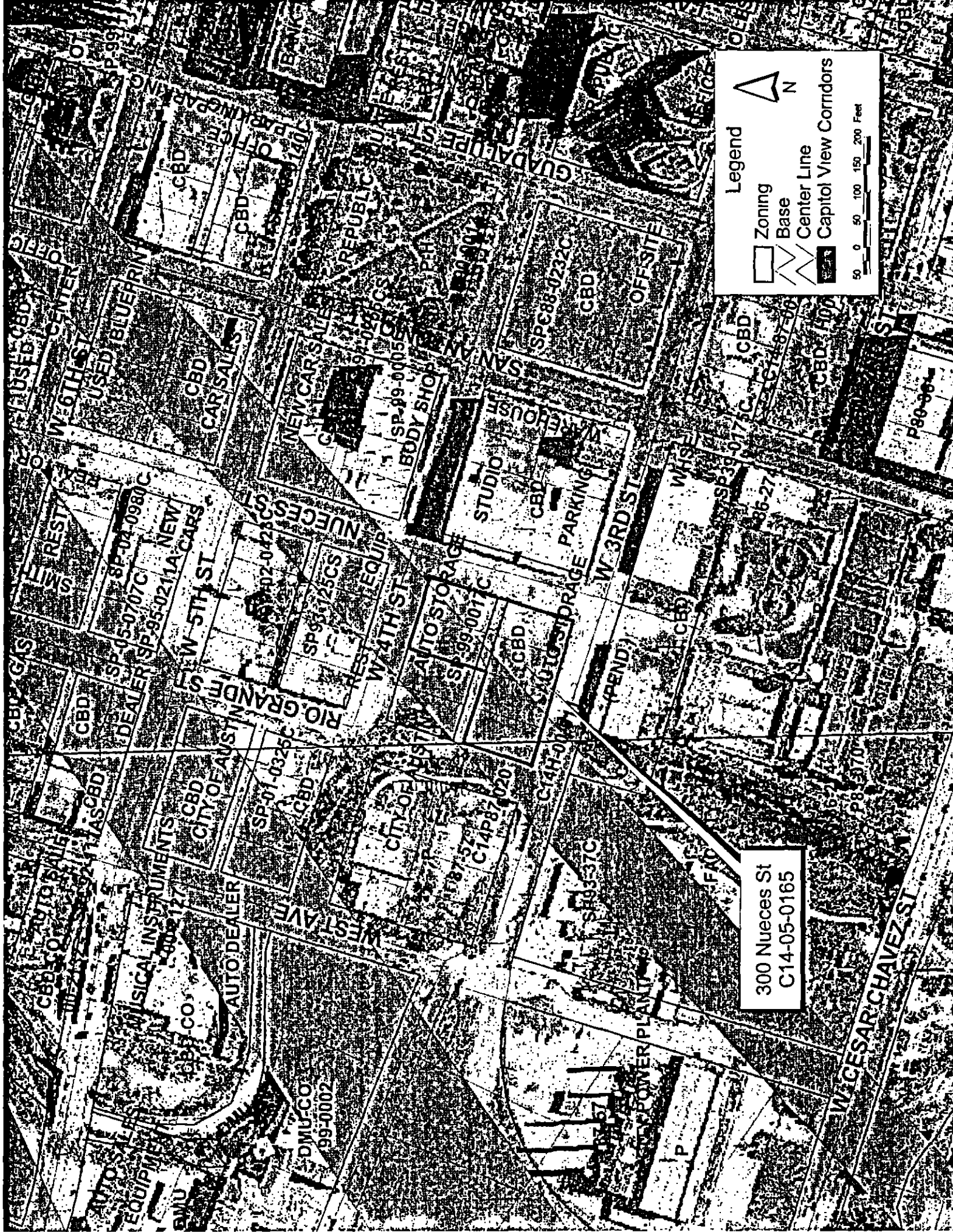
ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Nueces St	84'	57'	Collector	No	No	No
3 rd Street	75'	n/a	Collector	No	No	No
4 th Street	80'	56'	Collector	No	No	No

CITY COUNCIL DATE November 17, 2005**ACTION:****ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us



 1" = 200'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR J ROUSSELIN	  	ZONING CASE #. C14-05-0165 ADDRESS 300 NUECES ST SUBJECT AREA (acres) 1.280	DATE 05-09 INTLS TRC	CITY GRID REFERENCE NUMBER J22
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Legend

- Zoning
- Base
- Center Line
- Capitol View Corridors



50 0 50 100 150 200 Feet

300 Nueces St
C14-05-0165



THE PENNINGTON PARTNERSHIP, LLC
A STAFF-OWNED PARTNERSHIP
1000 PENNINGTON DRIVE, SUITE 100
ATLANTA, GEORGIA 30309
TELEPHONE: 404.525.1000
FAX: 404.525.1001



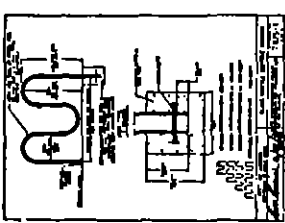
BLOCK 75,
3rd & NEECES
NECES ST.
ATLANTA, GA 30309

NOVUS GROUP
1111 PENNINGTON DRIVE, SUITE 100
ATLANTA, GA 30309
TELEPHONE: 404.525.1000
FAX: 404.525.1001

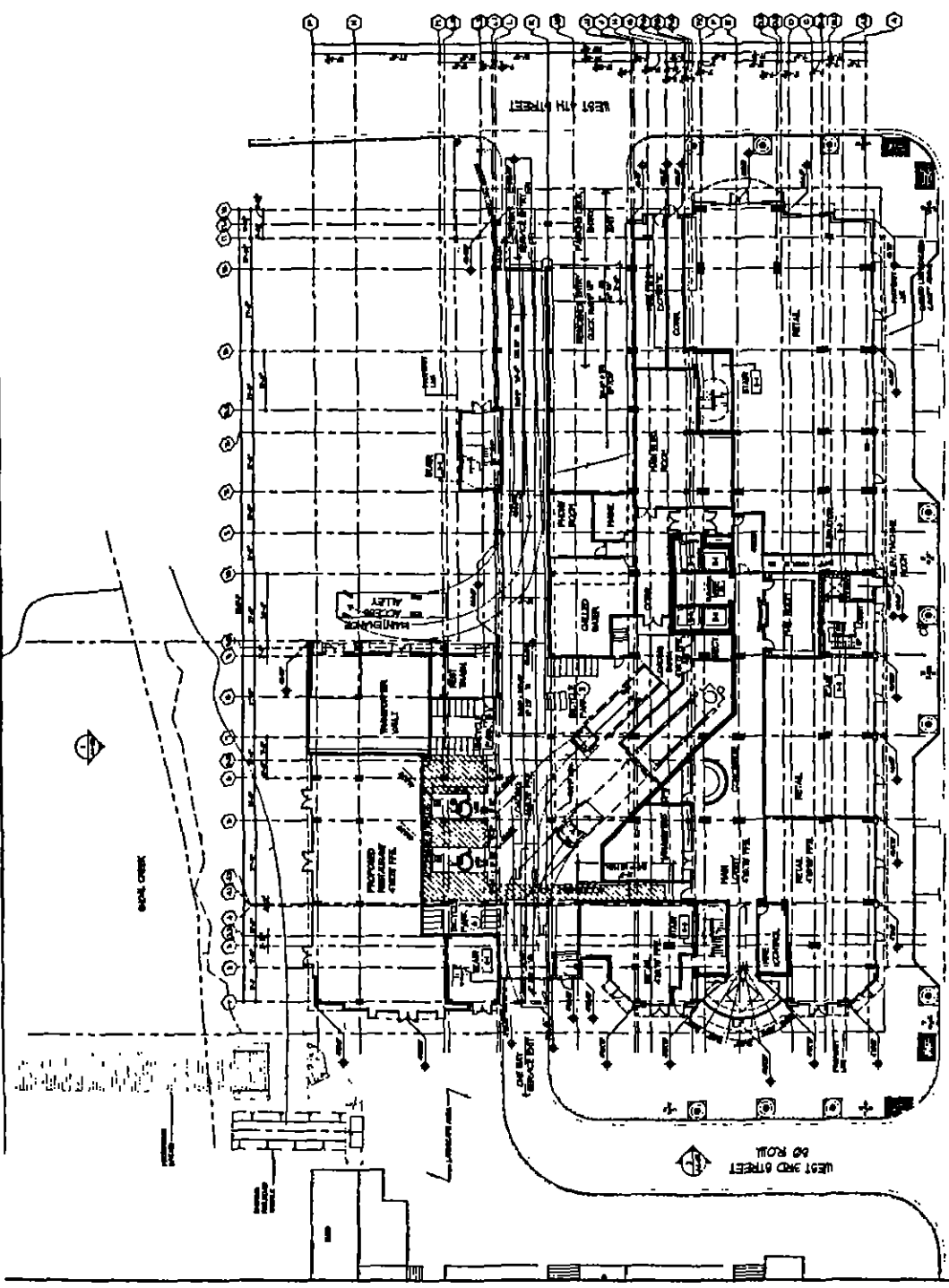
andrews urban,
1111 PENNINGTON DRIVE, SUITE 100
ATLANTA, GA 30309
TELEPHONE: 404.525.1000
FAX: 404.525.1001

DATE: AUGUST 1, 2002
PROJECT: 0200000
SHEET: 1A
DRAWN BY: PA
CHECKED BY: PA
GROUND FLOOR PLAN

AL-01
NOT FOR CONSTRUCTION

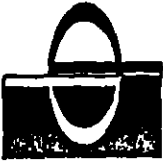


1. BIKE PARKING RACKS
2. BIKE PARKING RACKS



GROUND FLOOR PLAN
NORTH

C14-05-0165



THE FEDERAL RESERVE BANK
OF NEW YORK
100 WALL STREET, NEW YORK, N.Y. 10038
TELEPHONE: (212) 850-1600
FAX: (212) 850-1600



BLOCK 25,
3rd & NEECES
100 WALL ST.
NEW YORK, N.Y. 10038

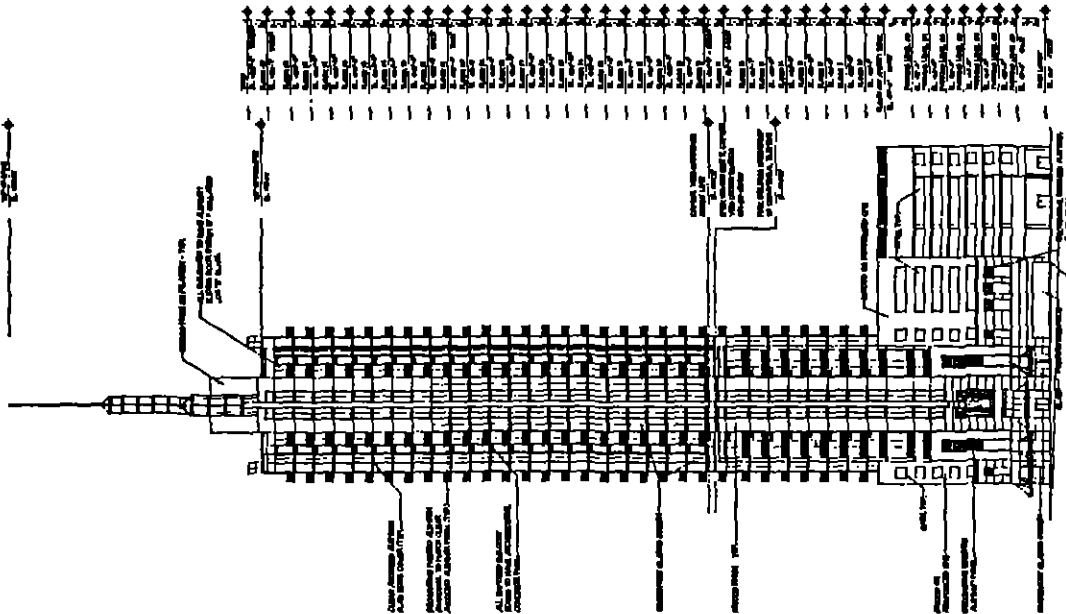
RECUR GROUP
215 WALL STREET, 10th
FLOOR, NEW YORK, N.Y. 10038
TELEPHONE: (212) 850-1600
FAX: (212) 850-1600



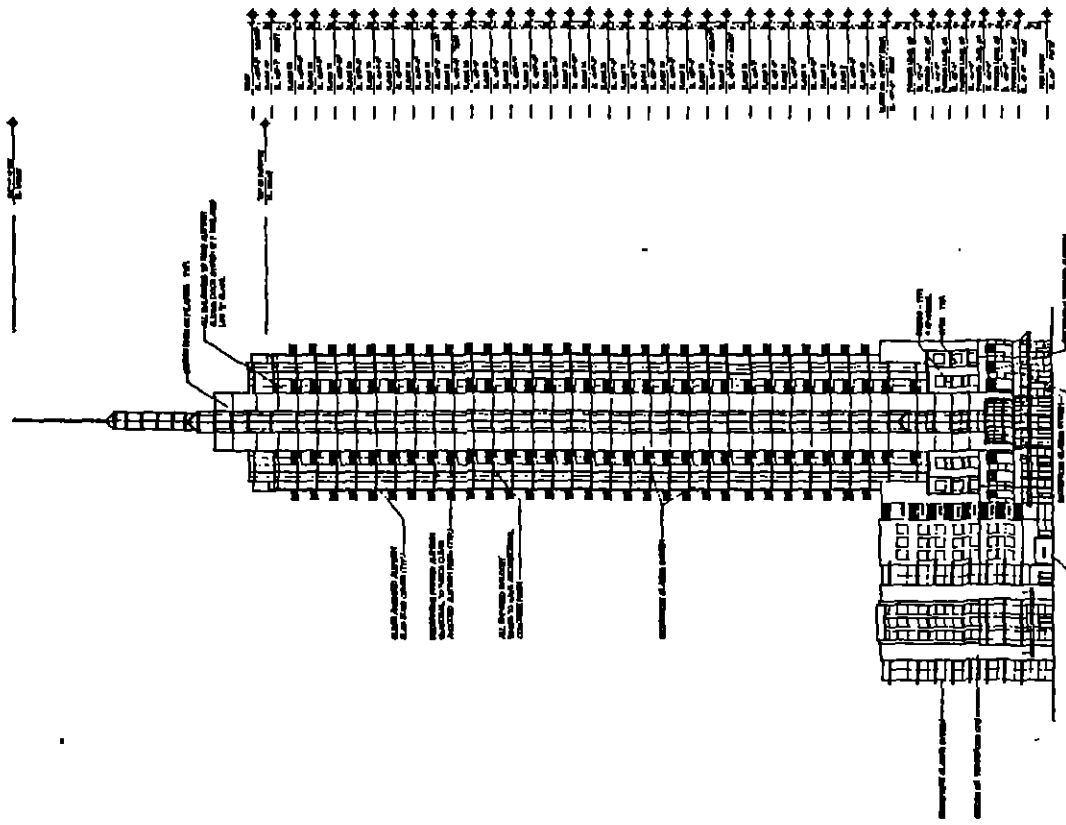
andrews urban
100 WALL ST.
NEW YORK, N.Y. 10038
TELEPHONE: (212) 850-1600
FAX: (212) 850-1600

DATE: AUGUST 1, 2002
PROJECT: 021002
SHEET: 01/01
NORTH & SOUTH BUILDING
ELEVATIONS

A4-02
NOT FOR CONSTRUCTION

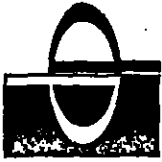


1 NORTH BUILDING ELEVATION



2 SOUTH BUILDING ELEVATION

C14-05-0165



THE PRAIRIE SCHOOL, INC.
A LIMITED LIABILITY COMPANY
1400 WEST 10TH STREET, SUITE 100
CHICAGO, ILLINOIS 60605
TEL: 312.779.2000 FAX: 312.779.2001
WWW.PRAIRIESCHOOL.COM



BLOCK 75,
3rd & NEECES
300 NEECES ST.
CHICAGO, ILLINOIS 60605

FOR THE
BLOCK 75 GROUP
211 E. PULASKI ST., 10TH FLOOR
CHICAGO, ILLINOIS 60605



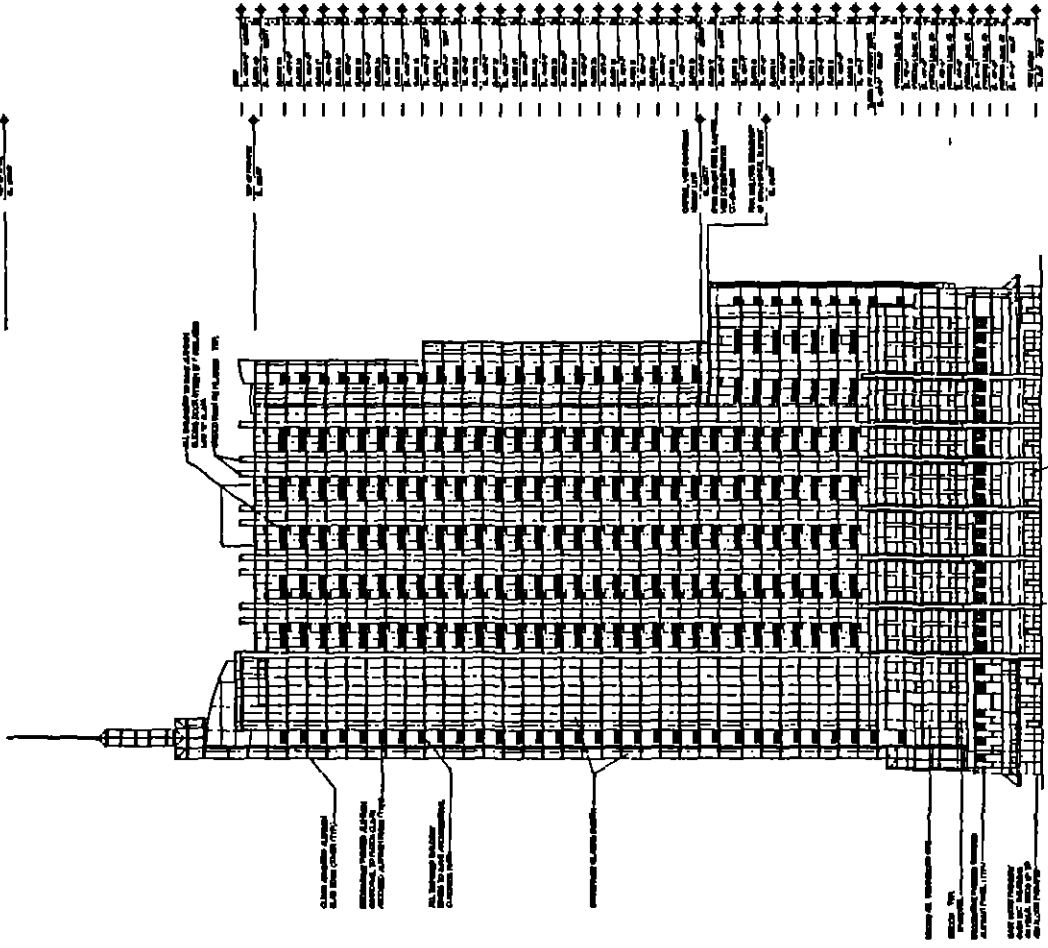
andrew urban
200 E. 10TH ST., 10TH FLOOR
CHICAGO, ILLINOIS 60605

DATE: AUGUST 1, 2005
PROJECT: 051005
DRAWN BY: AA02
CHECKED BY: JF
DESIGNED BY: JF
EAST (NECES ST) BUILDING
ELEVATION

NOT FOR CONSTRUCTION
A4-01

C14-05-0165

EAST BUILDING ELEVATION



STAFF RECOMMENDATION

Staff recommends CBD-CURE-CO (Central Business District - Central Urban Redevelopment Conditional Overlay) combining district to allow for a modification to the FAR to 10.1 and a modification to the maximum setback requirement. The conditional overlay will limit the vehicle trips for this site to 3,500 vehicle trips per day and recommend the maximum height not exceed specifications of the Capitol View Corridor Determination under C17-05-0010 (Please see Attachment B). The recommendation is based on the following determinations.

- 1.) The proposed use is compatible with existing CBD and commercial development along Nueces Street, West 4th Street, West 3rd Street, and Rio Grande Street and within the designated Core Downtown district as identified by the Downtown Austin Design Guidelines,
- 2.) The proposed development lies within the downtown CURE district,
- 3.) The proposed development will not be subject to compatibility standards,
- 4.) Great Streets Program participation is recommended,
- 5.) The Downtown Austin Design Guidelines recommend providing multi-tenant, pedestrian-oriented development at street level,

BASIS FOR RECOMMENDATION

1. The proposed zoning should be consistent with the purpose statement of the district sought

(A) The purpose of a central urban redevelopment (CURE) combining district is to promote the stability of neighborhoods in the central urban area.

(B) A CURE combining district may be used

- (1) for sustainable redevelopment of homes, multifamily housing, and small businesses,
- (2) to accommodate high priority projects that enhance the stability of urban neighborhoods including the development of affordable housing and small businesses along principal transportation routes that serve a neighborhood,
- (3) to improve the natural environment, and
- (4) to encourage high quality development with architectural design and proportion compatible with the neighborhood.

The proposed rezoning meets the purpose statement set forth in the Land Development Code. The subject property is undeveloped land located in the designated Core Downtown District as identified by the Downtown Austin Design Guidelines.

2. The proposed zoning should promote consistency, and orderly planning.

The proposed change and recommended conditional overlay is compatible with the surrounding area as it is surrounded by CBD zoning and adjacent to commercial development compatible to the proposed uses.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area is a 1.28 acre site fronting 3rd Street and Nueces Street zoned CBD. The applicant proposes to rezone the property to CBD-CURE district to allow for a 430' tall condominium structure with a floor area ratio (FAR) of 10.1 to include 395 units, 7,244 square feet of retail, and 4,254 square feet of restaurant. The modification to the base zoning district sought is the FAR limitation and a modification to the maximum setback requirement to the front and side setback of 10' under the provisions of 25-2-594 (Please see Attachment A). The Capitol View Corridor (CVC) bisects this property (Please see Attachment B). Any proposed development will be subject to the provisions of 25-2-642. Administrative site plan review is pending on this site under case SP-05-1468C for consolidated administrative approval. Furthermore, an historic Moonlight Tower is located at the southwest intersection of Nueces Street and West 4th Street. A relocation permit for the Moonlight Tower is pending approval from the Historic Landmark Commission on October 24, 2005 under case C14H-74-0028.

Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 3,516 trips per day, based on the uses proposed for this site.
3. The traffic impact analysis for this site was waived for the following reasons.
 - 3.1. The proposed development is located in the Central Business District and only slightly exceeds the limits for requiring a traffic impact analysis. Because of the location, there is much of the traffic generated for the retail and restaurant uses that may be pedestrian oriented.
 - 3.2. Mixed use developments generally have a high percentage of internal capture traffic. Based upon data collected by the Institute of Transportation Engineers, approximately 25 to 35 percent of traffic generated by the retail and restaurant use may be generated from the residential portion of the development and the adjacent traffic stream.
 - 3.3. Based upon the traffic generated from this project, there are no identifiable traffic or intersection improvements that would result in posing a significant amount of fiscal

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.
2. According to flood plain maps, there is flood plain within the project area.
3. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

Water and Wastewater

1. WW 1. The site is served with City of Austin water and wastewater utilities. The existing City water and wastewater utility system will not serve the proposed development and offsite main extension, system upgrades, and utility improvements are required. In order to obtain City water and wastewater utility service for the land use, the landowner must obtain City approval of a Service Extension Request.
2. For more information pertaining to the Service Extension Request process and submittal requirements, contact Phillip Jaeger, Austin Water Utility, 625 East 10th Street, 5th Floor Waller Creek Center. The Austin Water Utility reserves the right to make additional comments and to establish other requirements with the Service Extension Request. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocation, and adjustments.
3. The water and wastewater utility system serving this site must be in accordance with the City design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Site Plan

1. This site is located within a Capital View Corridor, the South Lamar at La Casa Drive; any development would have to comply with height limitations for this corridor, Section 25-2-162.
2. There is a site plan currently under review, SP-05-1468C, for a mixed use development of a 40 story high rise and associated improvements
3. This site must comply with the Downtown Creek requirements of Section 25-2-643 when a site plan is submitted

Compatibility Standards

1. This site is not subject to compatibility standards under the provisions of 25-2-581



TRANSPORTATION IMPACT ANALYSIS WAIVER

Applicant: Ted McConnaghey
Doucet and Associates, Inc
7401 B Hwy 71 West, Ste 160
Austin, Tx 78735

Phone No.: 583-2600
Fax No.: N/A

Proj. Location: 3rd and Nueces Street **Project Descript:** Mixed Use Retail/Resid

Project Name: 3rd/Nueces Street Condos

Waiver(s) Requested: Waiver from Traffic Impact Analysis (LDC Sec 13-5-43)

Response: TIA Waiver Approved

Conditions/Comments:

The Land Development Code requires a traffic impact analysis to be submitted for developments which are projected to generate greater than 2,000 vehicle trips per day. The proposed development is estimated to generate approx 3,516 vehicle trips per day, unadjusted.

1. The proposed development is located in the Central Business District and only slightly exceeds the limits for requiring a traffic impact analysis. Because of the location, there much of the traffic generated for the retail and restaurant uses may be pedestrian oriented.
2. Mixed use developments generally have a high percentage of internal capture traffic. Based upon data collected by the Institute of Transportation Engineers, approximately 25 to 35 percent of traffic generated by the retail and restaurant use may be generated from the residential portion of the development and the adjacent traffic stream.
3. Based upon the traffic generated from this project, there are no identifiable traffic or intersection improvements that would result in posting a significant amount of fiscal

cc George Zapalac, Acting Division Manager

Carl McClendon, AICP
Watershed Protection and Development Review

Date 8/4/05

A

- (J) Medians at least 5 feet wide are required between rows of parking spaces. Each median must contain either existing native trees or densely massed installed trees.

- (K) The noise level of live music may not exceed 70 decibels, measured at the property line

Source Section 13-2-660, Ord 990225-70, Ord 031211-11.

§ 25-2-584 WAREHOUSE/LIMITED OFFICE (W/LO) DISTRICT REGULATIONS.

- (A) This section applies in a warehouse/limited office (W/LO) district
- (B) The building must include an office use. The minimum floor area for the office use is the lesser of
 - (1) 20 percent, or
 - (2) 1,000 square feet
- (C) A truck loading dock may not be located on the same building face as an office entrance
- (D) An office use must face the street that provides primary access
- (E) A construction sales and service use may not exceed 10,000 square feet of gross floor area
- (F) The Land Use Commission may approve, in accordance with the applicable provisions of Chapter 25-5, Article 3 (*Land Use Commission Approved Site Plans*), the following modifications to the site development regulations
 - (1) a lot that contains at least 21,780 square feet, but less than 43,560 square feet,

- (2) a structure with a height greater than 25 feet, but not more than 35 feet, or

- (3) a structure with a floor area ratio of more than 0.25, but not more than 0.50

Source Section 13-2-662, Ord 990225-70, Ord 991104-46, Ord 010607-8, Ord 031211-11.

§ 25-2-585 SPECIAL REQUIREMENTS FOR BUILDINGS IN CERTAIN COMMERCIAL DISTRICTS.

- (A) This section applies to a building in a general office (GO), neighborhood commercial (LR), general commercial services (CS), or commercial services - liquor sales (CS-1) district that
 - (1) is located on property adjacent to an Lake Austin residence (LA), rural residence (RR), or single-family residence large lot (SF-1) district, and
 - (2) exceeds a height of 35 feet
- (B) A building's exterior glass is required to be either clear or lightly tinted
- (C) Exterior light illuminating a building above the second floor is prohibited.

Source Section 13-2-607, Ord 990225-70, Ord 031211-11.

Subpart B. Downtown Design

§ 25-2-591 APPLICABILITY.

This subpart applies to property zoned central business (CBD) or downtown mixed use (DMU)
Source. Ord 030612-93, Ord 990225-70, Ord 031211-11

§ 25-2-592 DRIVE-IN SERVICES.

- (A) A business that offers a drive-in service must provide a similar service for a pedestrian that does not require the pedestrian to stand or walk in a vehicle lane.
- (B) For a drive-in service, the total width of the curb cuts on a block face may not exceed 30 feet

Source Ord 990225-70, Ord 030612-93, Ord 031211-11

§ 25-2-593 SITE PLAN AND CONSTRUCTION REQUIREMENTS.

- (A) A site plan may not be approved unless the development complies with this section
- (B) A building must achieve at least a one star rating under the Austin Green Building program, as prescribed by a rule adopted in accordance with Chapter 1-2 (*Adoption of Rules*)
- (C) A surface parking facility must be at least partially and periodically obscured from the street by landscaping, a berm, a wall, decorative fencing, or another structure
- (D) This subsection prescribes screening requirements for a parking structure
 - (1) The headlights of automobiles in a parking structure may not be directly visible from an adjacent building or a building across a street, other than an alley, from the parking structure.
 - (2) Automobiles in a parking structure must be screened from public view.
 - (3) The building code requirements for an open parking garage supersede the requirements of this subsection to the extent of conflict.

(E) This subsection prescribes additional screening requirements for all land uses except a major utility facilities use or a local utility services use

- (1) A trash receptacle, air conditioning or heating equipment, loading area, or external storage must be screened from public view.
- (2) Equipment located on a roof must be screened from the view of a person standing on the farthest edge of an adjacent public street, other than an alley. The director of the Watershed Protection and Development Review Department may waive this requirement after determining that screening is not practical

Source Ord 030612-93, Ord 031211-11

§ 25-2-594 MAXIMUM SETBACK REQUIREMENT.

- (A) Except as provided in Subsection (B), a site plan may not be approved unless the development complies with this section
- (B) This section does not apply to a site plan for
 - (1) property zoned as a historic landmark (H) or historic area (HD) combining district,
 - (2) property designated as a historic landmark by the state or federal government,
 - (3) property located in a National Register Historic District established by the federal government,
 - (4) remodeling of or addition to an existing structure,
 - (5) restoration of a damaged structure within one year of the date of damage,
 - (6) a change of use,

- (7) property located in the area bounded by Seventh Street from San Antonio Street to Shoal Creek, Shoal Creek from Seventh Street to Fifteenth Street, Fifteenth Street from Shoal Creek to West Avenue, West Avenue from Fifteenth Street to Martin Luther King, Jr. Boulevard, Martin Luther King, Jr. Boulevard from West Avenue to San Antonio Street, San Antonio Street from Martin Luther King, Jr. Boulevard to Eleventh Street, Eleventh Street from San Antonio Street to Guadalupe Street, Guadalupe Street from Eleventh Street to Tenth Street, Tenth Street from Guadalupe Street to San Antonio Street, and San Antonio Street from Tenth Street to Seventh Street; or
- (8) the following uses
- (a) carriage stable,
 - (b) family home,
 - (c) group home,
 - (d) local utility services,
 - (e) major utility facilities,
 - (f) outdoor entertainment;
 - (g) outdoor sports and recreation,
 - (h) park and recreation services,
 - (i) religious assembly,
 - (j) safety services,
 - (k) transitional housing, or
 - (l) transportation terminal
- (C) Except as provided in Subsection (D), for the first four stories of a building that are above grade,
- (1) the maximum front yard setback is ten feet, and
 - (2) the maximum street side yard setback is ten feet.
- (D) The maximum setbacks prescribed by Subsection (C) do not apply to the portion of a building adjacent to a plaza or protected tree.
- Source: Ord 030612-93, Ord 031211-11; Ord 041202-16*
- Division 3. Industrial Districts.**
- § 25-2-601 INDUSTRIAL PARK (IP), MAJOR INDUSTRY (MI), AND LIMITED INDUSTRIAL SERVICE (LI) DISTRICT REGULATIONS.**
- (A) This section applies in an industrial park (IP), major industry (MI), or limited industrial services (LI) district
 - (B) The minimum interior yard setback and rear yard setback is
 - (1) 50 feet, if adjacent to property zoned as or used for a use permitted in an LA, RR, SF-1, SF-2, SF-3, SF-4, SF-5, or SF-6 district,
 - (2) 25 feet, if adjacent to property zoned as or used for a use permitted in an MF-1, MF-2, MF-3, MF-4, MF-5, MF-6, or MH district;
 - (3) 15 feet, if adjacent to property zoned as or used for a use permitted in an NO, LO, GO, CR, LR, or GR district; and
 - (4) 10 feet, if adjacent to property zoned as or used for a use permitted in an L or less restrictive district
- Source: Section 13-2-675, Ord 990225-70, Ord 031211-11.*



City of Austin

Founded by Congress, Republic of Texas, 1839
Watershed Protection and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

B

CAPITOL VIEW CORRIDOR DETERMINATION

C17-05-0010

For: Lots 1-6, Block 25, Original City of Austin

7/19/2005

Case Reviewer Lynda Courtney 974-2810

This site is traversed by the Capitol View Corridor # 8, "South Lamar at La Casa Drive", established as view corridors in the Capitol View Preservation Ordinances 840802-T and 841220-CC. The Capitol View Corridor calculations are established to determine the maximum height structures may be built without compromising a straight line which connects a viewpoint to the base of the capitol dome.

Eight points were identified on the site where edges of the view corridor # 8 meet corner points or lot lines on the existing site. These points are identified in the calculations and on the photographic exhibit as points A through H.

The specified points would allow for building heights between 183.8 and 210.8 feet in the corridor. The sets of calculations are shown on the worksheet, included as an exhibit with this report. Height is measured as explained in the definition from the City of Austin Land Development Code, also included with this report. **The maximum elevations shown at these points represent the heights above sea level beyond which any development on the site cannot exceed.**

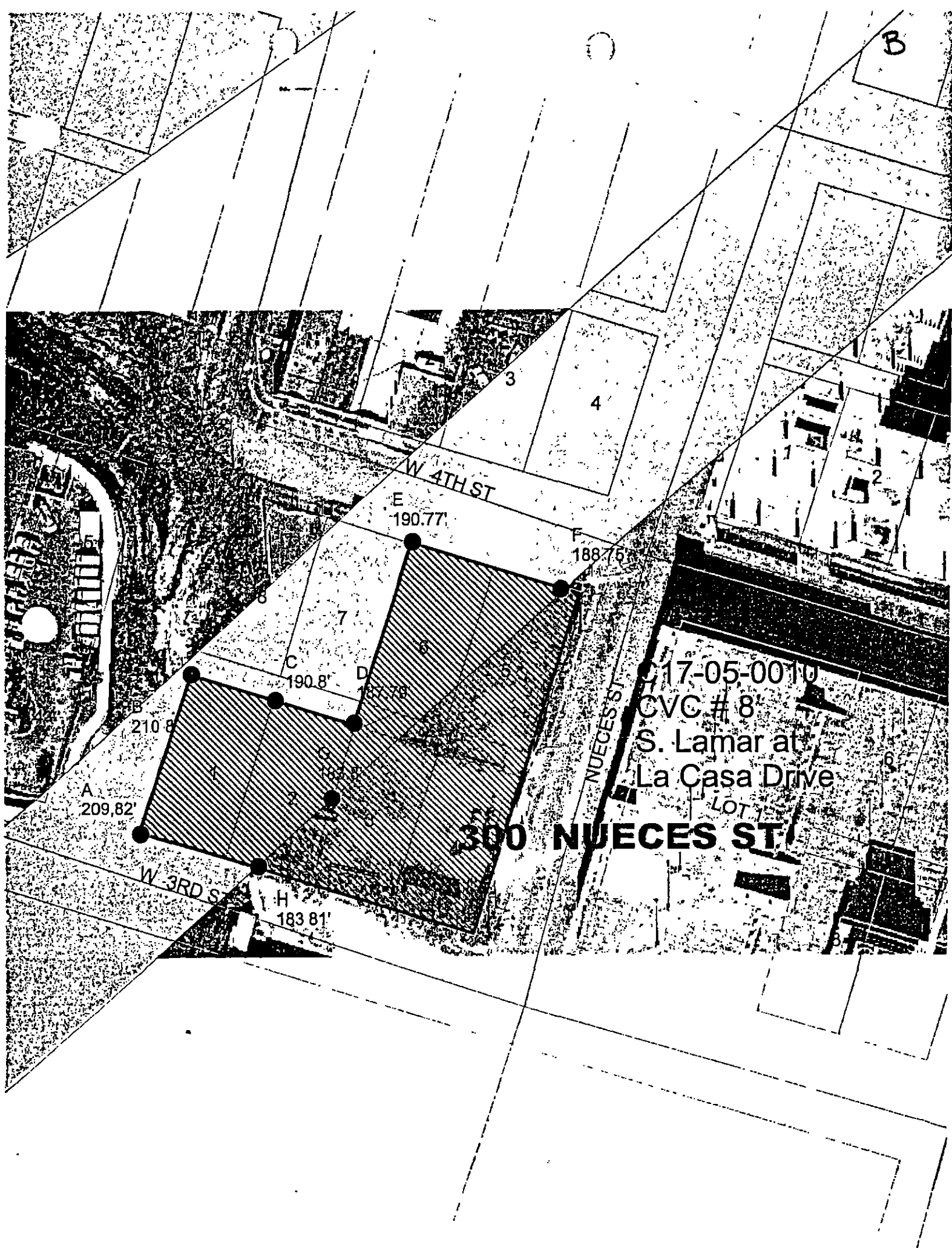
The exhibits included with this determination show the location of the height designations. Points in between the specified points should be interpolated by averaging the heights from point to point. This property is zoned CBD, "Central Business District", which has no specified height limitations, so the allowable height would be governed by the maximum elevations shown on the attached worksheet.

If you have any questions about this determination, please call Lynda Courtney at 974-2810.

Lynda J. Courtney
Development Services Process Coordinator
Development Assistance Center
Watershed Protection and Development Review Department

Attachments

ATTACHMENT B



017-05-0010
CVC # 8
S. Lamar at
La Casa Drive

300 NUECES ST



DOWNTOWN AUSTIN ALLIANCE

A Vision and a Voice for Downtown

Officers

Jeff Trigger, Chair
Dinkell Hotel

John Rosato, Vice Chair
Southwest Strategies Group

Nancy Burns, Secretary
Kornand Fryer

G Kent Collins, Treasurer
Centra Development

Board of Directors

Taylor Bowen
AMLI Residential Properties Trust

Hayden Brooks
American Realty Corporation

Cathy Cosens
Synterra Property Group LLC

C. Wade Cooper, Chair Emeritus
Jackson Walker LP

Gwen Crider
Austin Children's Museum

Tim Finley
Finley Company

John C. Foster
Wells Fargo Bank

Robert Gaudin
Acquia Office Properties Trust

Charles Heilmann
Firehouse No. 1 Corporation

Tina Hendricks
Cosens Properties

Gary Hunley
Pecos Street Real Estate Holdings

Dennis McDaniel
Merrill Lynch Properties

Bill McLellan
Treaty Oak Financial

John Nyfeler
Aguirre Corporation

Jeff Pace
CarAmerica Realty

Tom Petrie
Carson Real Estate Equities

Gaye Polan
State Preservation Board

Vic Russo
Russo Commercial I. L. C.

Amy Shaw Thomas
University of Texas

Sue Sher
Congress Holdings Group

Steve Simpson
Augsburg Management

Andy Slater
Hilton Hotels Corporation

Karen Sunkelner
Travis County

Julia Spain
Cantor of Austin

Lee Walker
Capitol Metro

Will Wynn
Cure of Austin

Charles Betts, Executive Director
Downtown Austin Alliance

211 East Seventh Street, Suite 100-L
Austin, TX 78701

Phone (512) 464 1766

Fax (512) 477 7456

Website www.downtownaustin.com

E-Mail char@dwntwnaustin.com

September 19, 2005

Mr. Taylor Andrews
Andrews Urban LLC
800 W. 5th Street, Suite 507
Austin, Texas 78703

Mr. Andrews,

At its September 2005 meeting, the Board of Directors of the Downtown Austin Alliance voted to support an increased floor-to-area ratio (FAR) for the tract at 3rd and Nueces Streets. We understand that you and your partners are seeking 10:1 FAR to allow for more density in your residential project with retail on the ground floor.

We are pleased to support this FAR increase that will allow for a higher and better use for the area.

Sincerely,

Jeff Trigger
Chair



MEMORANDUM

TO: Mayor Will Wynn and City Council Members

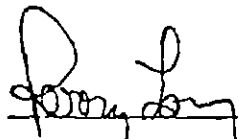
FROM: Perry Lorenz, Chair
Downtown Commission

DATE: September 26, 2005

RE: Condos at Third and Nueces
Proposed Rezoning from CBD to CBD-CURE
Case No. C14-05-0165

At their Wednesday, September 21, 2005 meeting, the Downtown Commission received a presentation from Taylor Andrews, Andrews Urban LLC, on the proposed condominium project at W. Third and Nueces Streets. The Commission unanimously approved the following resolution:

"The Downtown Commission recommends approval of the zoning change from CBD to CBD-CURE with an FAR limitation of 10.1."



Perry Lorenz, Chair
Downtown Commission

cc: Toby Hammett Futrell, City Manager
Alice Glasco, Director, Neighborhood Planning and Zoning Department
Jorge Rousselin, Neighborhood Planning and Zoning Department

DOWNTOWN AUSTIN NEIGHBORHOOD ASSOCIATION

WHEREAS, the residential high rise at Third and Nueces streets will provide desired density with one- and two-bedroom condo units for 421 residences on 1.28 acres of land, and

WHEREAS, prices for the residences will be significantly under the current average price level of condominiums in downtown Austin, thus providing more attainable pricing and making housing accessible for a broader range of people in downtown Austin, and

WHEREAS, the project will provide approximately 15,000 square feet of retail space, and

WHEREAS, condo ownership will contribute to the City of Austin's tax base, contribute to the goal of creating a vibrant, 24-hour downtown community and contribute to crime prevention and

WHEREAS, the project will revitalize an underutilized and neglected part of downtown and Shoal Creek, and

WHEREAS, the building's height will step down in respect of the State Capitol to ensure it does not block any designated Capitol View Corridors, and

WHEREAS, the developers are participating in the City's Green Building Program, and

WHEREAS, the structure will not be built within Shoal Creek's 100-year floodplain, and

WHEREAS, the architecture will feature contemporary materials, classic design and local materials whenever possible, and

WHEREAS, the developers will participate in the Great Streets program, ensuring wide sidewalks, shading, trees, benches and other aesthetically pleasing aspects for a pedestrian- and vehicle-friendly environment, and

WHEREAS, the site is already zoned by the City of Austin as "CBD" and

WHEREAS, the Downtown Austin Design Guidelines, established by the Downtown Austin Design Commission and endorsed by the Austin City Council, state that "It is recommended that the maximum of 8:1 floor area ratio be increased for desired projects, but not such that they would violate the Capitol View Corridor height model."

THEREFORE, BE IT RESOLVED THAT this organization, DOWNTOWN AUSTIN NEIGHBORHOOD ASSOCIATION, is proud to support the Novare Group and Andrews Urban's request to secure a zoning change to accommodate a modified Floor Area Ratio (FAR) from 8:1 in CBD to 10:1 in CBD-CURE so the project may proceed to surpass the requirements of Austin's civic and community leaders who call for a vibrant and dense downtown community


Signed **PRESIDENT - DANNA**

10/09/05
Date

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0165
Contact: Jorge Rousselin, (512) 974-2975
Public Hearing:

October 18, 2005 Zoning and Platting Commission

Mike McGinnis

Your Name (please print)

Several, including w/in 300 feet; See Attached

Your address(es) affected by this application

1401 7th St

Signature

Date

10-12-05

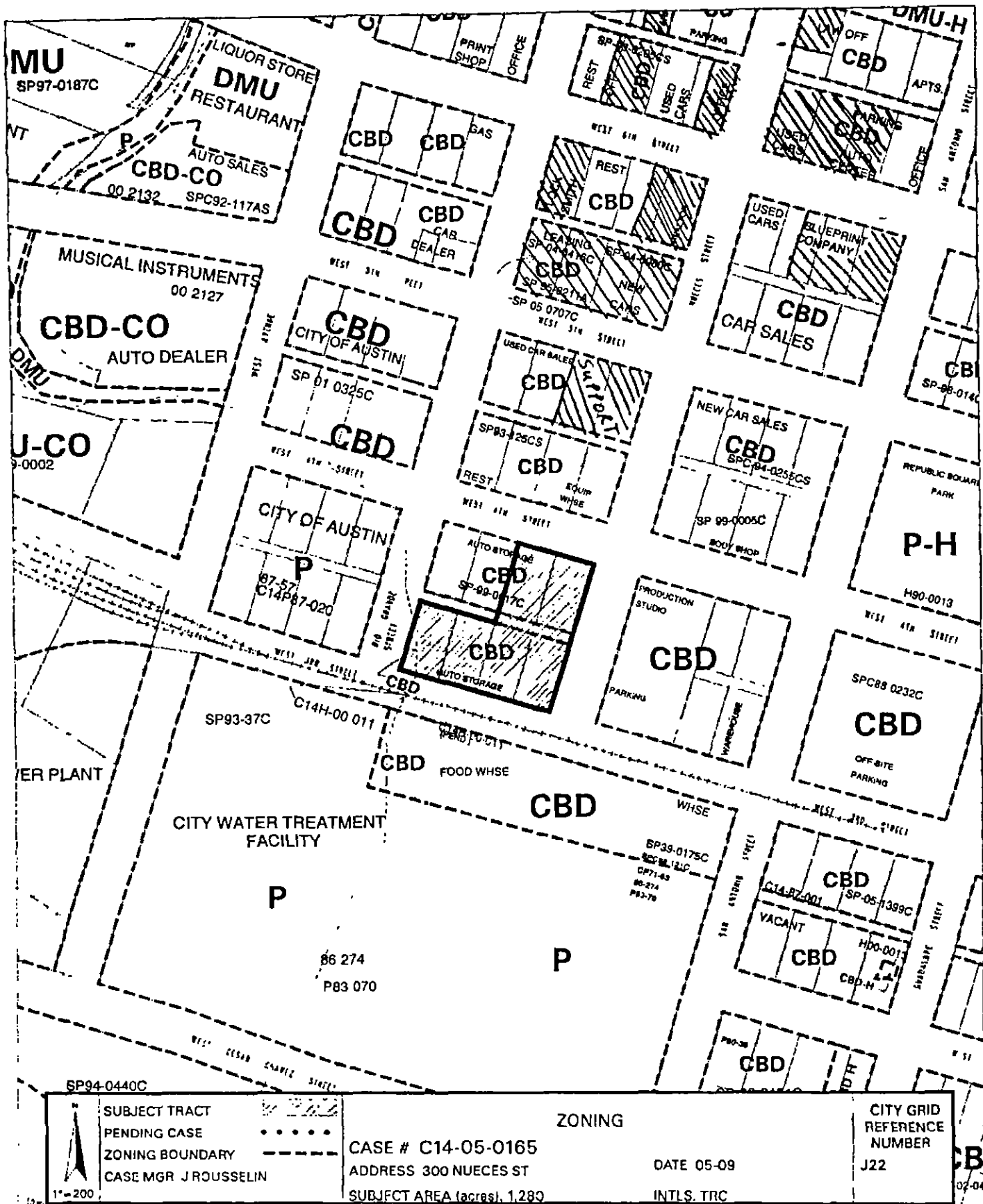
Comments


Excellent Project; Exempt

What CBD Needs to Support

Local Retail.

If you use this form to comment, it may be returned to
City of Austin
Neighborhood Planning and Zoning Department
Jorge Rousselin
P. O. Box 1088
Austin, TX 78767-8810



I Represent the  property. We wish to Register our *strong* support of 300 Nueces Zoning Application C14-05-0165. *Mike McGinnis*

Austin Neighborhoods Council

Established 1973 • Strength Through Unity
Post Office Box 176 • Austin, Texas 78767

VIA E-MAIL

October 13, 2005

Betty Baker, Chair
Zoning and Platting Commission
City of Austin Texas

Re Case number C14-05-0165
October 18, 2005 Meeting Agenda

Chairwoman Baker.

The Austin Neighborhoods Council (ANC) is pleased to see development, such as the Novare Project planned for Third and Nueces streets. ANC considers this an appropriate site since it is well within the downtown area and away from our single-family residential neighborhoods.

However, we believe that all Austin residents should benefit from such developments not just those who will reside there. We encourage the city to develop a policy requiring public amenities as part of these projects. Since such a policy does not yet exist, we hope the Novare Group will voluntarily provide amenities to enhance the downtown area.

Thank you for the opportunity to comment.

Sincerely,

Susan Pascoe
President

cc Zoning and Platting Commissioners

RECEIVED
OCT 14 2005
Neighborhood Planning & Zoning



AUSTIN DESIGN COMMISSION

November 7, 2005

RICHARD WHEE
CHAIR
ELENA MCNEELY
VICE CHAIR
JIM GONZA
JOHN
HOLLYN
GEOFF
JOHN
PHILIP
POLLY
STACY

Mayor Will Wynn
Mayor Pro Tem Danny Thomas
Council Member Jennifer Kim
Council Member Raul Alvarez
Council Member Betty Dunkerley
Council Member Brewster McCracken
Council Member Lee Leffingwell

RE: Novare-Andrews development rezoning from CBD to CBD CURE

Dear Mayor and members of the City Council:

The Design Commission received a presentation at its October meeting from Taylor Andrews of Andrews Urban seeking support for a zoning change from CBD to CBD-CURE for the Novare-Andrews Urban development at 3rd & Nueces. The zoning change would allow the project an FAR increase from 8:1 to 10:1. The Design Commission supports the requested zoning change because the multi-use project will bring desired density and public amenities to downtown and offer more affordable condominiums than those currently available. Our support is contingent upon the following provisions, discussed at the October 24 meeting:

Retail at ground floor. All ground floor spaces are designated for retail with eight floors of parking above. The Design Commission requested the project study the possibility of providing occupied space for a portion of the 2nd – 8th floors.

More affordable downtown units The Design Commission recognizes that increased density is directly related to the potential for more affordable living units. The Commission encourages city council to determine an appropriate mix of more affordable units for this project.

Open space adjacent to Shoal Creek The developers noted that the steep site is not conducive to a trail along the east side of the creek, but offered a cleanup of vegetation along Shoal Creek (including the removal of invasive species) and provision of a public use area such as a deck associated with a restaurant. The Commission would like to see these plans as they are developed, emphasizing functional use of the open space and public accessibility. We would also like to see the open space connect with the trail on the west side of the creek via the existing pedestrian bridge.

Great Streets streetscapes. It is our understanding that Great Streets streetscapes will be incorporated following the site development permit process and be in place prior to the project receiving a CFO. There will likely need to be some adjustment to the site plan in order to fully realize the Great Streets goals. The Design Commission requests the opportunity to review a conceptual plan illustrating the Great Streets improvements and open space amenities in the near future.

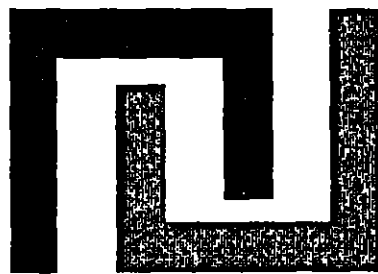
Compliance with Downtown Austin Design Guidelines. The developer emphasized the project's compliance with the Downtown Austin Design Guidelines and the Design Commission commends the use of the guidelines as a driving force. We request additional review opportunities as the details of the plans are fleshed out.

In summary, the Design Commission believes the proposed Novare-Andrews Urban development will contribute to a vibrant and vital downtown. We would like to see the project drawings as they are further developed in order to provide feedback on the goals described and review compliance with the Downtown Austin Design Guidelines at the detail level.

Sincerely,



Richard Weiss, AIA
Chair, Austin Design Commission
Cc: City Manager Toby Futrell



andrews urban



Condos at 3rd & Nueces Outreach



The Novare-Andrews Urban team has made outreach to the community a top priority. The following groups/individuals have been briefed on the 3rd and Nueces Condominium project

Mayor Will Wynn
City Manager Toby Futrell
Assistant City Manager Laura Huffman
Mayor Pro Tem Danny Thomas
Office of Council Member Raul Alvarez
Council Member Betty Dunkerley
Office of Council Member Jennifer Kim
Council Member Brewster McCracken
Kirk Watson, Greater Austin Chamber of Commerce
Mike Rollins, Greater Austin Chamber of Commerce
City of Austin Downtown Commission
Downtown Austin Alliance
West End Austin Alliance
Downtown Austin Neighborhood Association
Austin Neighborhoods Council (via briefing by Laura Morrison)
Old West Austin Neighborhood Association Member Laura Morrison
Old Austin Neighborhood
Austin Parks Foundation
Austin Parks and Recreation Department
Republic Square Park Partners
Austin Public Library Foundation
Austin Energy
Austin Green Building Program
Direct Events, operator of Austin Music Hall and La Zona Rosa
Dimension Properties, owner of Austin Music Hall
Austin Photo Imaging (neighboring property)
Teresa Lutes, Austin Water Utility/Green Water Treatment Plant
Ballet Austin
General Services Administration/Federal Courthouse
Austin Museum of Art, President of Board of Trustees Bettye Nowlin
Libby Malone, Grande Communications
Jim Walker, Austin Community College
Chris Riley, Planning Commission
Cid Galindo, Planning Commission
Cliff Redd, The Long Center
Megan Weiler, City of Austin Art in Public Places Administrator
Jim Butler, City of Austin Creative Industries Development Manager
Greg Kiloh, City of Austin Transit-Oriented Development Coordinator
Austan Librach, Assistant Director, Economic Growth and Redevelopment Services Office
Steve Sadowsky, City of Austin Historic Preservation Officer
Pollyanne Melton, City of Austin Neighborhood Planning and Zoning Department
Humberto Rey, City of Austin Great Streets Program
Carl McClendon, City of Austin Watershed Protection and Development Review
Louis Lindsey, City of Austin, Lance Armstrong Bikeway
George Zapalac, City of Austin Watershed Protection and Development Review

Old Austin Neighborhood

604 West 11th Street
Austin, Texas 78701-2007

512-477-6818
tedsiff@earthlink.net

October 17, 2005

Mayor and City Council
Members of the Zoning & Platting Commission
City of Austin
P O. Box 1088
Austin, Texas 78767

Re: Case Number C-14-05-0165 - a request to change
zoning from CBD to CBD-CURE for the development of
Novare Condominiums at West 3rd and Nueces Streets

Dear Members of the Zoning & Platting Commission and Mayor and City Council Members

I am writing you as the President of the Old Austin Neighborhood Association (OAN), which has represented the residents of Austin's original residential neighborhood for more than 25 years. Our boundaries are between Town Lake & 15th Street and Lamar & Guadalupe. We have advocated for preserving the residential character of our neighborhood since 1976.

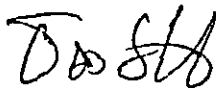
We strongly support The Novare-AU Nueces, L.P. request to change the zoning on the above noted property to develop Novare Condominiums. The following are just some of the reasons for our support:

- The proposed residential use is strongly encouraged and advocated by our neighborhood;
- The proposed design allows for more residences on a smaller "footprint." This will allow for more "eyes on the street" 24/7 and stimulate the retail uses being developed on 2nd Street and proposed on Nueces Street;
- The residential use will have less traffic impact on the surrounding area than other currently permitted land uses, and,
- The proposed development and land use propose to compliment and further enhance Shoal Creek greenway and trail for their own project as well as other users.

Like Spring Condominiums, this project is the kind of intense residential development OAN has advocated for almost twenty years. Now the market conditions and the risk capital are available to propose it in Austin. These conditions are not permanent.

Please take advantage of this opportunity to grant this zoning change request.

Sincerely,



Ted Siff, President
Old Austin Neighborhood Association

WEST END
AUSTIN
ALLIANCE

President

Perry Lorenz

Vice President

Patricia Bauer-Slate

Sweetish Hill Bakery

Secretary

David Rockwood

GSD&M

Treasurer

Ted Siff

Downtown Austin

Neighborhood Association

Board Members:

Whit Hanks

Whit Hanks Properties

John Kunz

Waterloo Records

and Video

Steve Bercu

BookPeople

Evan Williams

Joseph & Williams

David Vitanza

Schlusser Development

Mike McGinnis

Rick Valdes

Whole Foods

Kevin Burns

Urban Space

Katy Culmo

By George

Laura Morrison

Old West Austin

Neighborhood Association



October 14, 2005

To
Mayor Will Wynn
Members of the Austin City Council
Zoning and Platting Commission members

Dear Friends

This letter is written on behalf of the West End Austin alliance ("WEAA"), a coalition of property owners, business owners and neighborhood interests representing the west end of Austin's central business district

We are aware that a proposed residential high-rise at Third and Nueces Streets will request a zoning change to accommodate a modified Floor Area Ratio (FAR) from 8:1 to 10:1

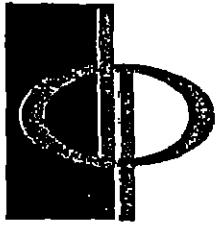
We understand that this project is participating in the City's Green Building Program and the Great Streets program and will not be built within Shoal Creek's 100-year floodplain. In addition, this high-rise will revitalize a neglected part of downtown, creating retail and residential spaces, and contribute to the City's tax base.

The Board of Directors of the West End Austin Alliance support the Novare Group and Andrews Urban request to secure a zoning change to modify the FAR from 8:1 to 10:1

Sincerely,

Ted Siff
WEAA Board Secretary

P.O. BOX
684928
AUSTIN
TEXAS
78768 4928
512-478 8774



ARCHITECTURE
ENGINEERING
INTERIOR DESIGN
PLANNING
LANDSCAPE ARCHITECTURE
URBAN DESIGN

THE PRESTON PARTNERSHIP, LLC
Northpark Town Center, Building 400
1000 Abernathy Road, Suite 600
Atlanta, Georgia 30328
770 396 7248 TEL
770 396 2945 FAX
www.theprestonpartnership.com

October 14, 2005

Mr Billy Holley
Novare Group
817 W Peachtree St , NW
Suite 601
Atlanta, GA 30308

Mr Taylor Andrews
Andrews Urban, LLC
800 W. 5th St ,
Suite 507
Austin, TX 78703

Gentlemen,

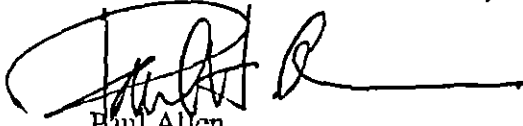
Regarding the request for additional building setback for the referenced project, we offer the following

The building is sited such that most of each street facade sits well in front of the 10 foot setback. However there are two locations, one at 3rd Street and one at 4th Street as indicated on the attached illustrations where the building steps back behind the 10 foot setback.

In both locations the additional setback is incorporated to provide visual separation between areas where both the residential tower and the adjacent, lower-scale parking garage meet the street. Designing this sense of separation is important to prevent the tower massing from dominating the site. In addition, this separation allows the tower and adjacent street-level retail and deck to take on their own individual architectural character while adding variety and a greater sense of human scale to the streetscape. In addition, the setbacks occur at locations of vehicular access so they allow for improved sight lines for both drivers and pedestrians.

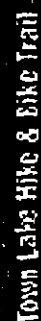
While the setbacks that exceed 10 feet comprise less than 10% of the total street frontage, these setbacks add greatly to the variety experienced by the pedestrian, while adding a greater sense of scale to the building and helping provide an enhanced identity to the project as part of the fabric of the city.

Regards,
THE PRESTON PARTNERSHIP, LLC

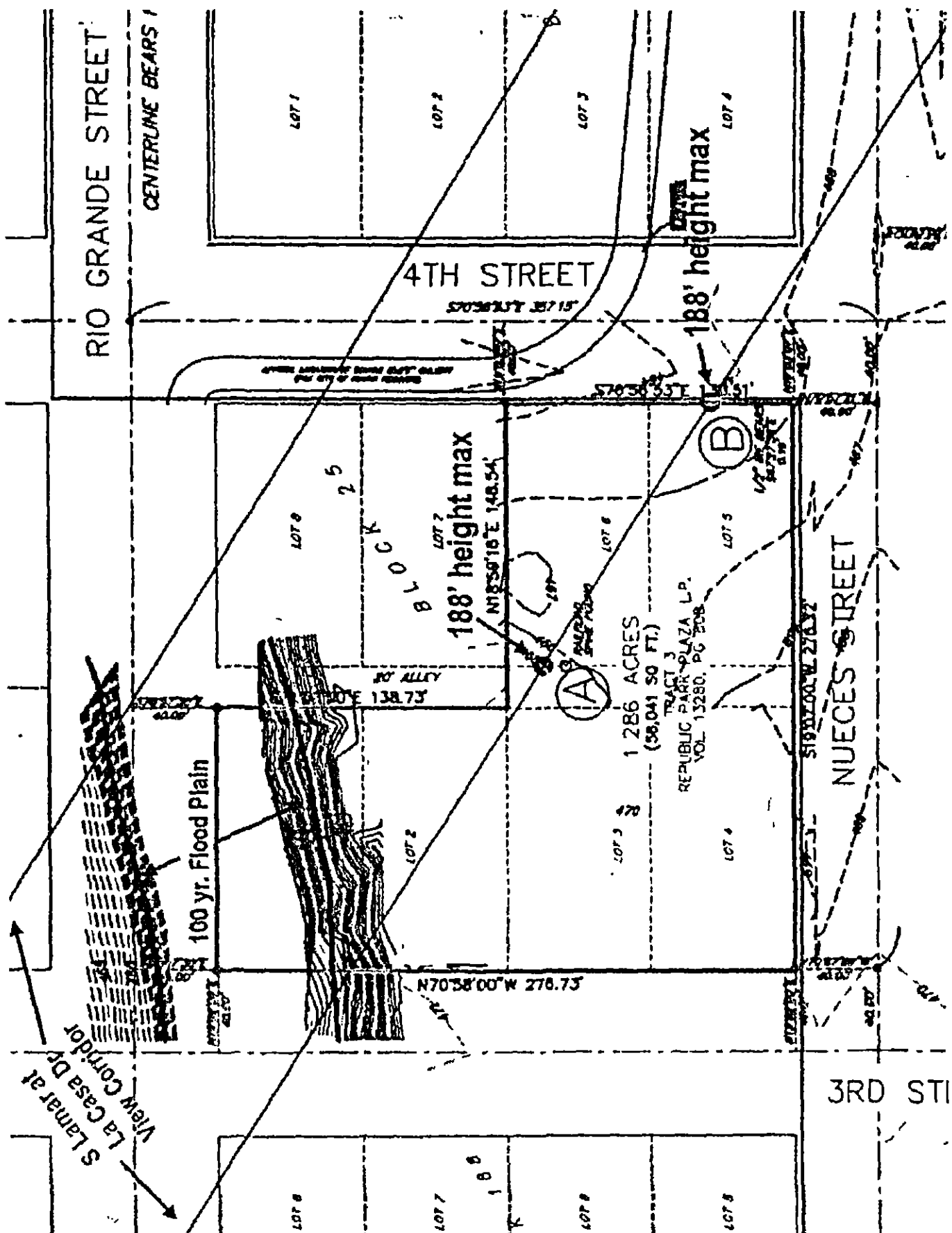


Paul Allen
Project Manager

Enclosure.







RIO GRANDE STREET

CENTERLINE BEARS

4TH STREET

188' height max

188' height max

NUECES STREET

3RD ST

100 yr. Flood Plain

View Corridor

1286 ACRES
(38,041 SQ. FT.)

TRACT 3
REPUBLIC PARK PLAZA L.P.
VOL 13280, PG 208

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

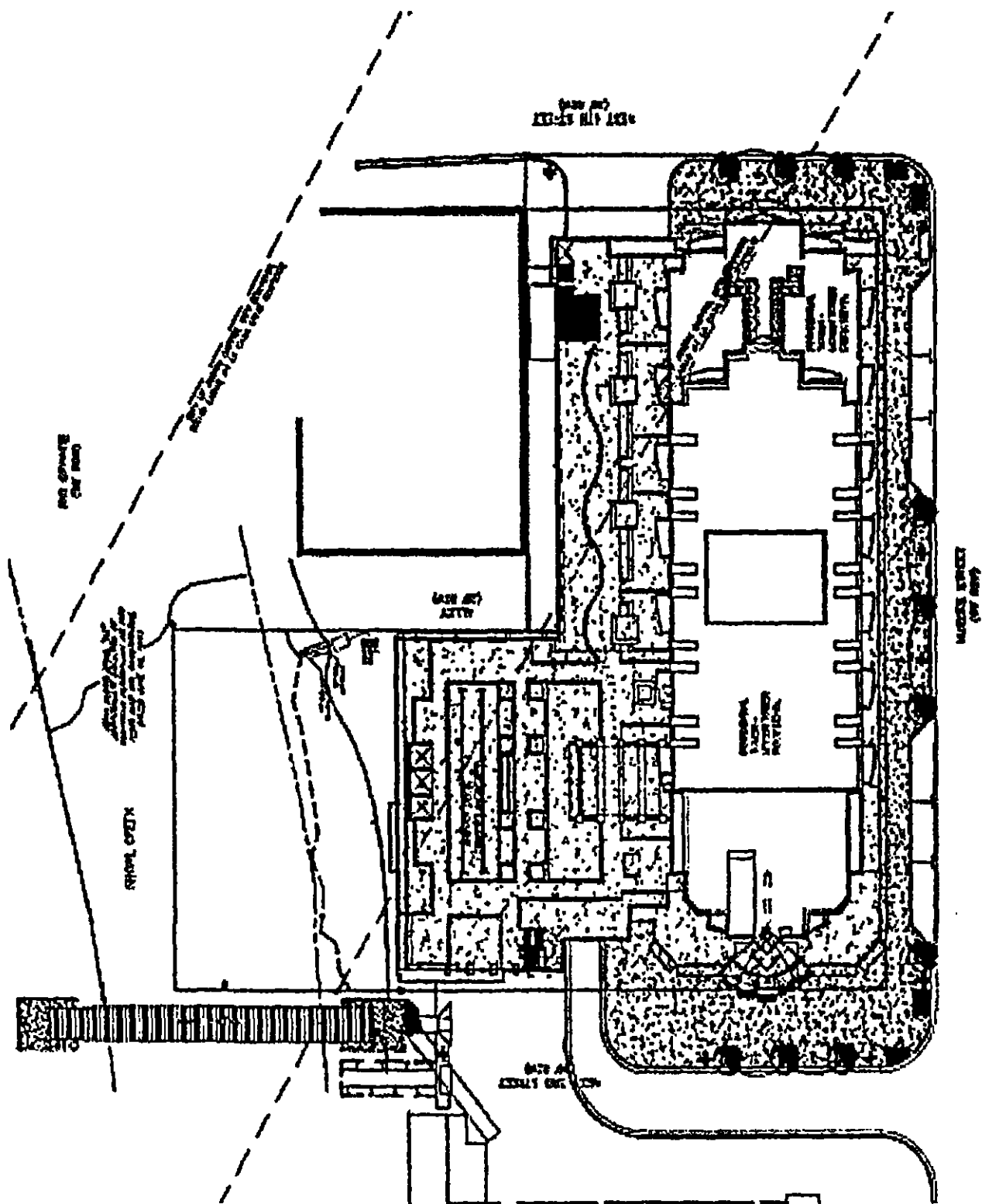
LOT 8

LOT 9

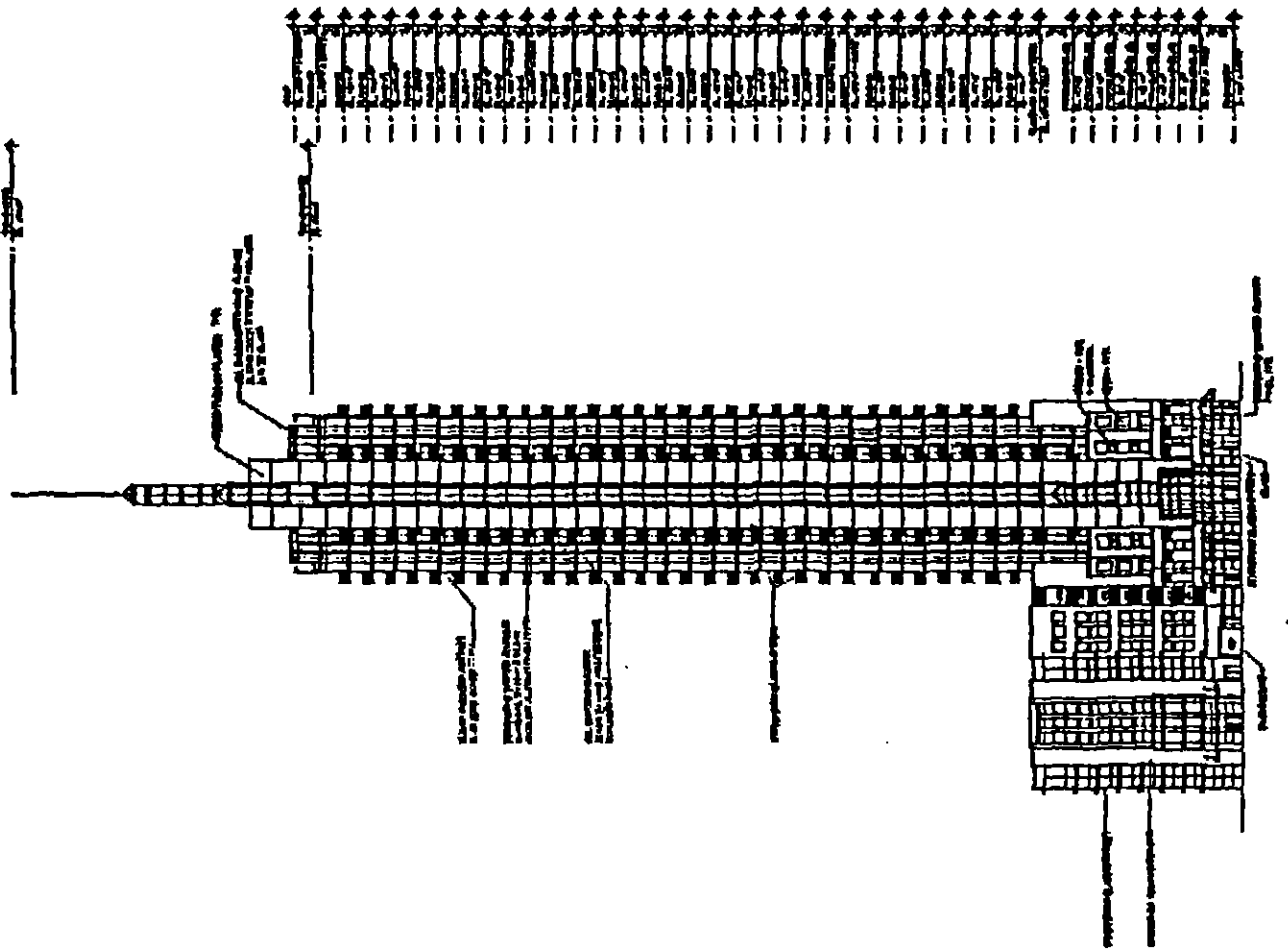
LOT 10

LOT 11

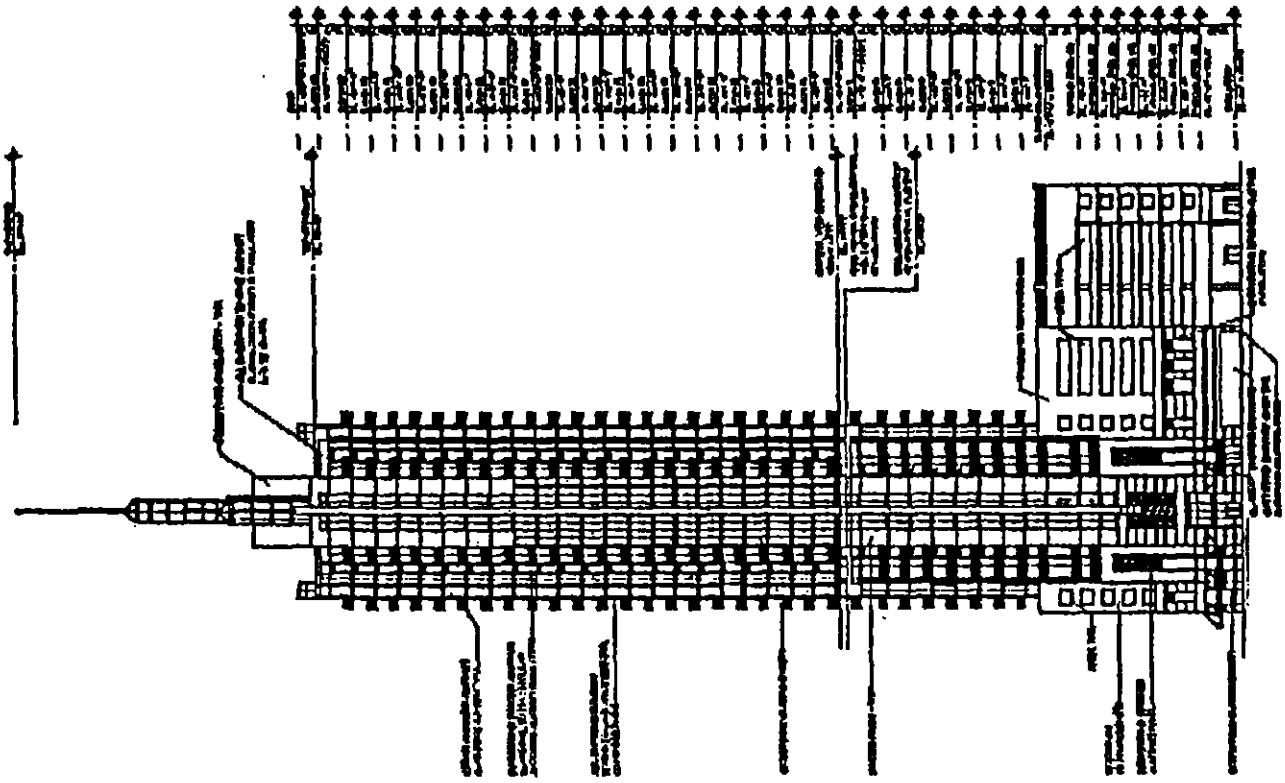
LOT 12

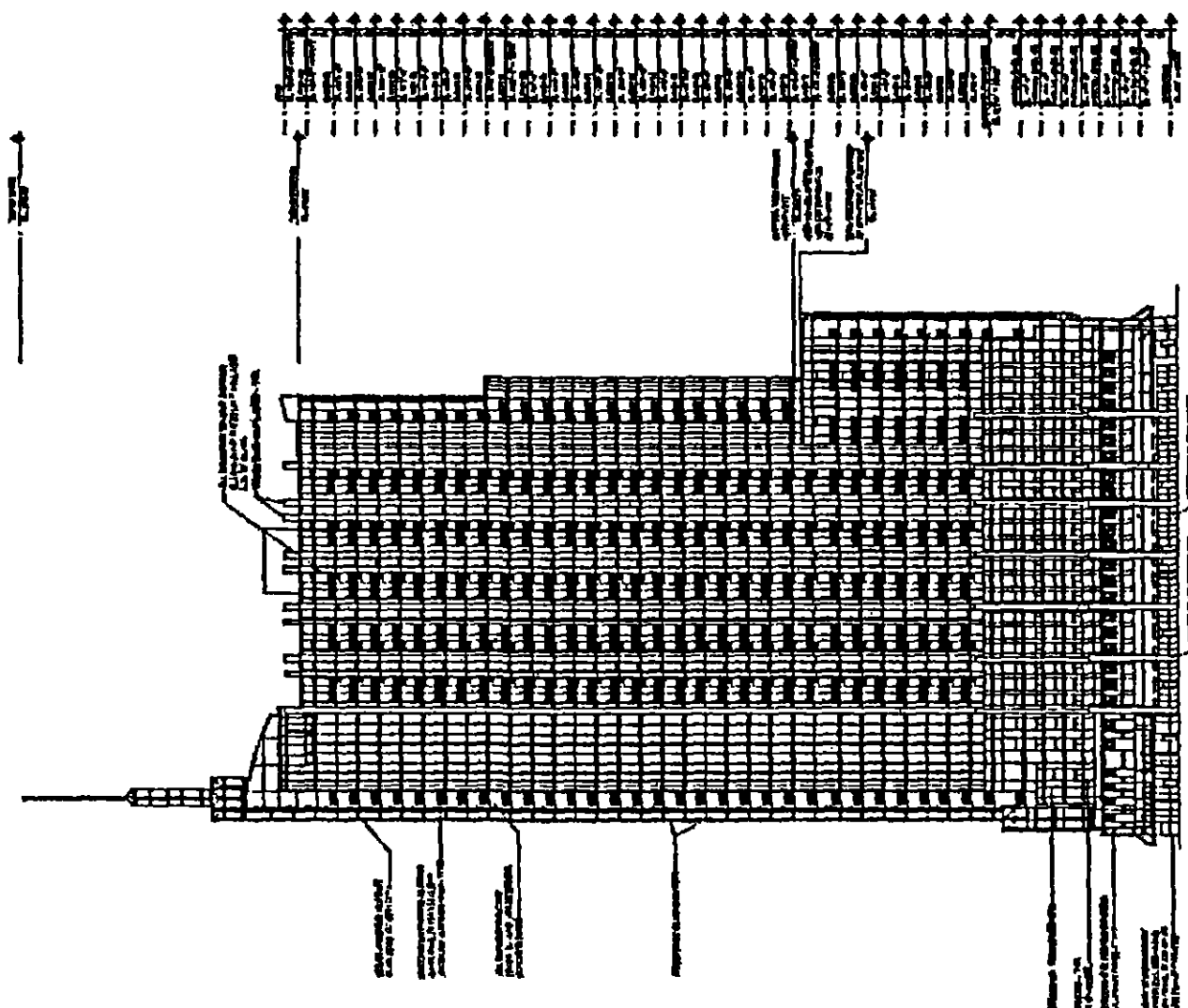


FOOTING DETAIL 1

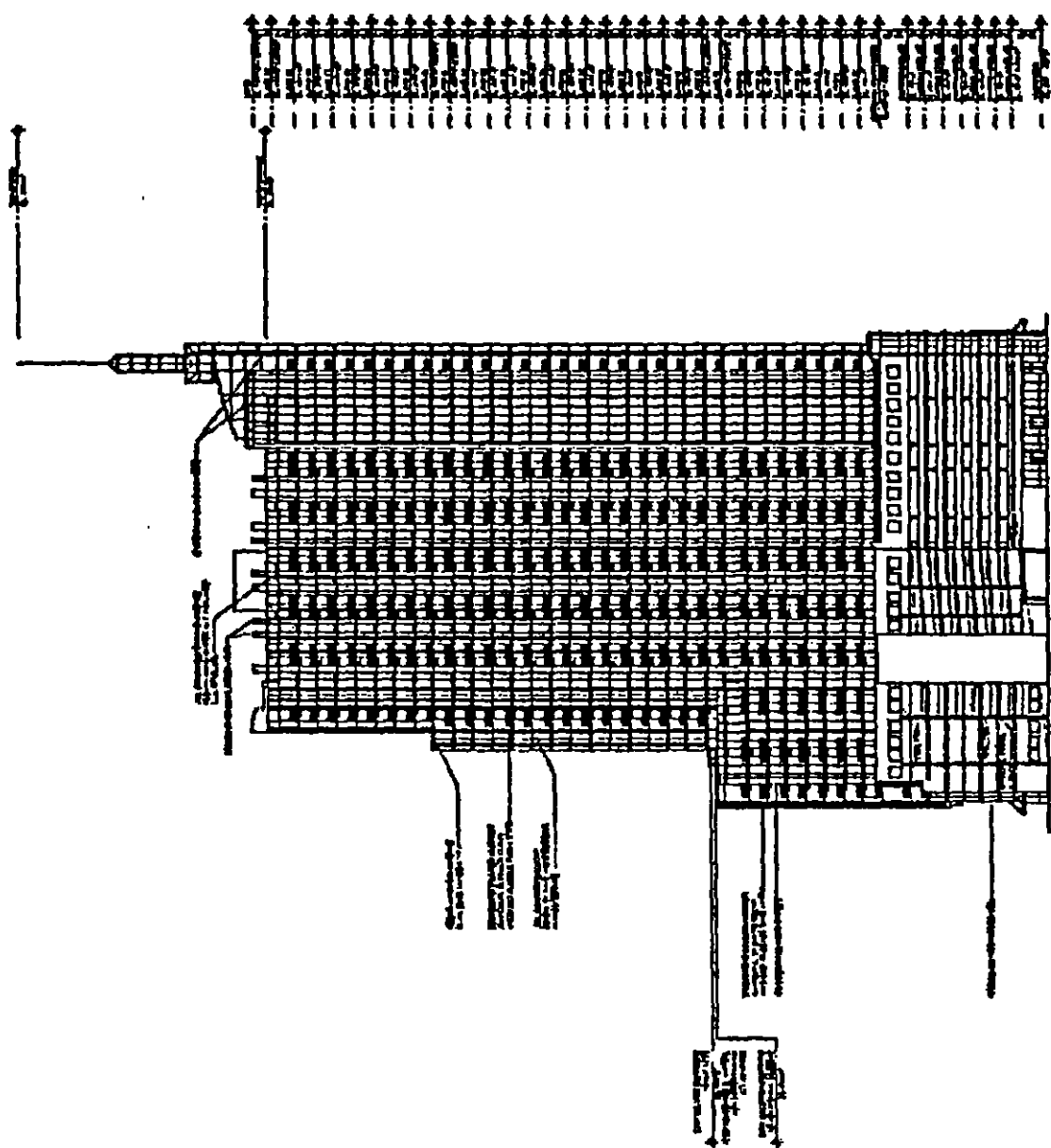


SECTION ELEVATION





RECAPITULATION



**§ 25-2-163 CENTRAL URBAN REDEVELOPMENT (CURE) COMBINING
DISTRICT PURPOSE**

***The purpose of a central urban redevelopment (CURE) combining district is to promote the stability of neighborhoods in the central urban area.**

CBD - CURE ZONING DISTRICTS IN AUSTIN, TEXAS



Condos at 3rd and Nueces (Oct. 2005)
(proposed)

- 10:1 F.A.R.
- 30' building setback

Bank of America (Aug. 2001)
(Ord. #010802-13)

- 12:1 F.A.R.
- 40' building setback

Hilton Hotel (June 2000)
(Ord. #000601-88)

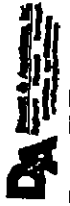
- 11:1 F.A.R.

Frost Bank Tower (Nov. 2000)
(Ord. #001130-106, 001130-107)

- 12:1 F.A.R.
- 40' building setback

Vignette (Dec. 2000)
(Ord. #001214-102)

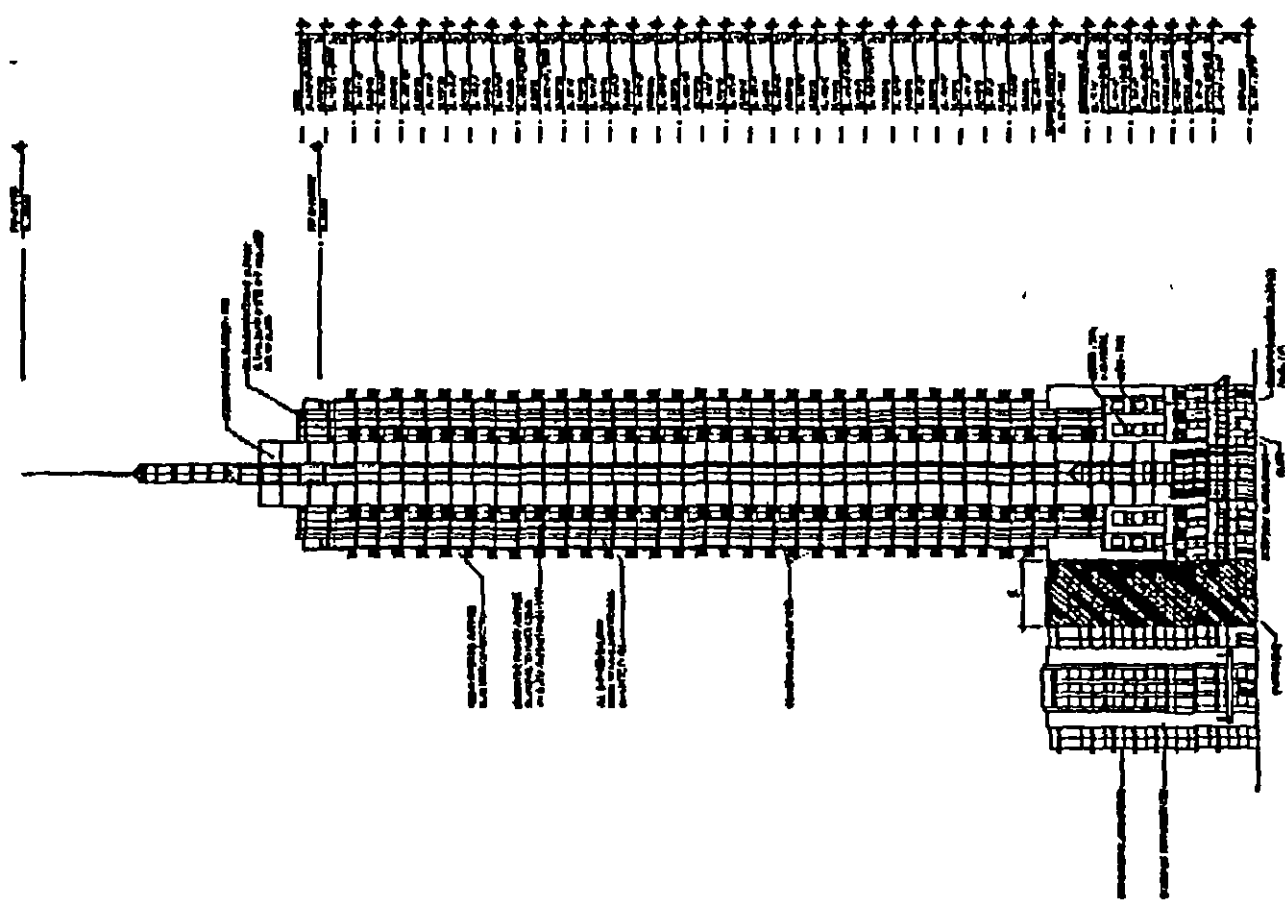
- 10:1 F.A.R.



Community Support

- Austin Neighborhoods Council
- Downtown Austin Neighborhood Association
- Old Austin Neighborhood
- Downtown Austin Alliance
- West End Austin Alliance
- City of Austin Downtown Commission
- Austin Parks Foundation

SECTION 1-1



North Building Elevation

Architectural drawing of the North Building Elevation, showing the facade and structural details.

